

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 06/22/05 Item

File Number
PDC04-059

Application Type
Planned Development Rezoning

Council District SNI
10 NA

Planning Area
Almaden

Assessor's Parcel Number(s)
581-23-048

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lesley Xavier

Location: Southeast side of Elwood Drive approximately, 100 southerly of Nikette Way.

Gross Acreage: 0.72 Net Acreage: 0.57 Net Density: 3.5

Existing Zoning: R-1-5 Single-Family Residence Existing Uses: Vacant land

Proposed Zoning: A(PD) Planned Development Proposed Use: 2 Single-family detached residential units

GENERAL PLAN

Completed by: LX

Existing Land Use/Transportation Diagram Designations

Low Density Residential (5 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LX

North: Single-Family detached residential R-1-5 Single-Family Residence

East: Single-Family detached residential R-1-5 Single-Family Residence

South: Single-Family detached residential R-1-5 Single-Family Residence

West: Single-Family detached residential R-1-5 Single-Family Residence

ENVIRONMENTAL STATUS

Completed by: LX

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on June 3, 2005
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: LX

Annexation Title: Ryder No_1

Date: 10/09/1959

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Recommend Approval
☐ Recommend Approval with Conditions
☐ Recommend Denial

Date _____

Approved by: _____

CURRENT OWNER

Hamideh Ahmadi
P.O. Box 112348
Campbell, CA 95011

ARCHITECT

Louie Leu Architect, Inc.
Louie Leu
236 North Santa Cruz Avenue, #210
Los Gatos, CA 95030

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LX

Department of Public Works

See attached memoranda

Other Departments and Agencies

See attached memoranda from the following:

- San Jose Fire Department

GENERAL CORRESPONDENCE

- Comment letter from James Ells and Paula Thomas
- Comment letter Jeanne Husted
- Comment letter Barbara and Richard Wilmer
- Comment letter Bob Boydston

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Hamideh Ahmadi, is proposing a Planned Development Rezoning from R-1-5 Single-Family Residence on a 0.72 gross acre site located on the southeast side of Elwood Drive approximately, 100 southerly of Nikette Way, to allow the development of up to 2 single-family detached residential units. The subject site is bordered by single-family detached residences to the north, east, south, and west.

Project Description

The subject site is currently vacant land located on a hillside. The proposed Planned Development Rezoning will allow for a two-lot subdivision on the site and the construction of 2 single-family detached residences. The two proposed lots consist of Lot 1, a 13,070 square foot lot, located along the frontage of Elwood Road and Lot 2, an 18,300 square foot lot located uphill behind Lot 1 and Lot 1 will take access from Elwood Road, Lot 2 will take access from the existing private drive that currently serves 3 existing adjacent single-family detached residences and. Permitted uses on the site are those of the R-1 Single-Family Residence Zoning District, including conditional and special uses. The proposed project has terraced foundations, building heights that range from two to three stories, three car garages, and are designed in a traditional architectural style.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and the Director of Planning, Building, and Code Enforcement circulated a Draft Mitigated Negative Declaration for public review on June 3, 2005. The public review period ends on June 22, 2005. The primary issues that were addressed in the environmental review included the project's potential impacts on, biological resources, geology and soils, and temporary air quality and noise impacts generated during the construction of new residential units. Further discussion on these items is included below. The project includes mitigation measures that will reduce any potentially significant project impacts to a less-than-significant level. A more comprehensive accounting of the environmental mitigation measures required as part of this project can be found in the project's Mitigated Negative Declaration (attached to this report). The full text of the Initial Study is available online at: <http://www.sanjoseca.gov/planning/eir/MND.htm>

Biological Resources

An arborist report titled, "Arborist Report, Project: Elwood Road, San Jose", by Deborah Ellis, MS Consulting Arborist & Horticulturist was prepared for the project. The report concluded that six Coast Live Oak trees (*Quercus Agnifolia*) with a trunk diameter ranging between 4.9 and 36 inches should be removed from the site due to extensive trunk decay and poor structure. The City of San José has established regulations for removal of ordinance size trees having trunks measuring 56 inches or greater in circumference. The proposed project will obtain a Planned Development Permit for the removal of these ordinance-sized trees and provide for the replacement of the removed trees in conformance with the City of San José Tree Ordinance. In addition to the removal of some of the existing trees on the site, 22 tree stumps were also observed. The current property owner did not remove these trees. Of the 22 tree stumps, 21 of them range in size from 25 to 43 inches in circumference and would not have required a tree removal permit under the City's Tree Ordinance. One of the stumps measures 56 inches in circumference and would have required a tree removal permit.

Geology and Soils

The subject site is just down slope of a mapped seismic hazard zone. A geotechnical report titled, "Geotechnical Investigation - Two Planned Residences APN 581-23-048 Elwood Road San Jose, CA", by CGC Cundey Geotechnical Consultants, Inc. was prepared for the project. The report stated that there is the presence of near-surface soils with high expansion potential on the site. The report concluded that the site is suitable for the proposed development provided that the recommendations in the report are followed. A Geologic Hazards Clearance, which includes conditions on the project, was issued by the Publics Works Department on May 17, 2005. The clearance letter is attached to this report. In addition, prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site.

Construction Impacts

Temporary Air Quality impacts may result from construction activities on the subject site. The implementation of the mitigation measures as outlined in the Initial Study will reduce the temporary construction impacts to a less than significant level by significantly reducing the amount of particulate matter released into the atmosphere during construction. Some of those mitigation measures include, the watering of construction areas, sweeping daily, installing sandbags or other erosion control measures to prevent silt runoff to public roadways, and replanting vegetation in disturbed areas as quickly as possible.

Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal including, construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and the use of power construction equipment with state-of-the-art noise shielding and muffling devices.

ANALYSIS

The primary issue associated with this proposal is conformance with the *San Jose 2020 General Plan* Land Use/ Transportation Diagram and Hillside Development Policies.

General Plan Conformance

The subject site has a *San Jose 2020 General Plan* Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC). This designation is typified by 8,000 square foot lots with a density that responds both to the need for slightly larger than normal lots to prevent excessive grading on slopes between five and fifteen percent and to the need to provide a variety of lot and house sizes within the City. The proposed project is a two-lot subdivision with lot sizes of 13,070 square feet and 18,300 square feet that will allow for the construction of one single-family residence on each lot at a net density of 3.5 DU/AC. The proposed project is in conformance with the Low Density Residential (5 DU/AC) land use designation because the project has a net density of 3.5 DU/AC and provides a larger than normal lot size to accommodate the slope of the site.

Hillside Development Policies

The General Plan seeks to preserve the natural resources of the hillsides and to minimize the exposure of the public to potential environmental hazards associated with development on the hillside. The following are the policies relevant to the site, each policy is followed by an analysis:

- *Hillside Development Policy #4: The City should continue to apply strong architectural and site design controls on all types of hillside development for the protection of the hillsides and to minimize potential adverse visual and environmental impacts.*

The proposed project will have terraced foundations so as to minimize the visual impact of placing two, two to three story structures on the site.

- *Hillside Development Policy #5: Planned Development zoning should be used to govern hillside developments since it allows flexible design techniques such as clustering, and varying lot sizes, and setbacks, which can help to minimize damage to the natural environment and maximize resource preservation.*

A Planned Development Zoning is being utilized to allow for the proposed development. The proposed lot sizes will vary. Lots 1 and 2 will be 13,070 and 18,300 square feet in size respectively.

- *Hillside Development Policy #6: In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation. Hillside Development Policy #10: The preservation of existing trees, rock outcroppings and other significant features is encouraged.*

Grading is necessary for the development of the project on this site. The location of the proposed new residential units will minimize the removal of trees from the site. There are 28 existing oak trees located on the site of which six of those trees are to be removed due to extensive trunk decay and poor structure and two more of them with trunk circumferences under 33 inches are to be removed to accommodate the new residential units.

- *Hillside Development Policy #7: Because street construction on slopes often requires a disruptive amount of grading, modified street sections designed for both utility and minimum grading are encouraged.*

The proposed building locations are situated so that the new residences will utilize existing access points that serve adjacent residences thereby eliminating the need for a new road.

- *Hillside Development Policy #8: Construction techniques and housing types adaptable to a variable terrain, such as cluster housing, split pads and stepped foundations, should be utilized on sloped sites. Conventional, single flat-pad construction is discouraged.*

The proposed project will have terraced/stepped foundations.

- *Hillside Development Policy #9: Consideration should be given to the siting of homes for privacy, livability, adequate solar access and wind conditions. Siting should take advantage of scenic views but should not create significant visual impacts affecting public places and other properties.*

The siting of the proposed units is done in such a way so that existing mature trees on the site are utilized for screening from adjacent residential units.

- *Hillside Development Policy #15: Hillside development within areas of potential geological hazards should be designed to avoid being endangered by, or contributing to, the hazardous conditions on the site or on adjoining properties.*

A soils and geologic review was conducted as a part of the environmental clearance and a geologic hazard clearance was issued by the Public Works Department for the subject site in conformance with the above policy.

Conclusion

Based on the above analysis, staff concludes that the proposed project is in substantial conformance with the *San Jose 2020 General Plan*, and is an appropriate land use on the site.

In addition, as is typical for a Planned Development Rezoning, the architecture that is shown is considered “conceptual” and will undergo further review by staff at the Planned Development Permit stage. Building materials, roofing, colors, and other details will also be selected for their compatibility with the development pattern of the area.

COMMUNITY OUTREACH

The applicant presented the proposed project at a community meeting on December 16, 2004 to obtain feedback from the community. At this meeting neighbors expressed concern over the staging of construction for the two new residential units including street cleaning, delivery truck parking on a very narrow road, and erosion control; additional cars on Elwood Road; and the existing need for traffic safety and traffic calming on Elwood Road because the road is narrow with no sidewalk and there is a blind curve just beyond the site and residents have witnessed cars traveling at excessive speeds. The developer will be required to develop and present to the community a construction-staging plan that deals with all of the construction issues mention above.

Notices of the public hearings were mailed to all property owners and tenants within 500 feet of the subject site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff

report. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval to the City Council for the following reasons:

1. The proposed project is consistent with the *San José 2020 General Plan* Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC).
2. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.